

CUMBY INDEPENDENT SCHOOL DISTRICT

2011-2012

STUDENT CODE OF CONDUCT



ADOPTED BY THE CUMBY ISD BOARD OF TRUSTEES

THURSDAY, JULY 14TH, 2011

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ACKNOWLEDGMENT

*Student Code of Conduct AND Student Handbook/
Electronic Distribution Acknowledgment*

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you.

Lance Campbell, Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the Cumby ISD Student Code of Conduct and Student Handbook for the 2011–2012 school year or to electronically access them on the district's Web site at www.cumbyisd.net, parent resource tab. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct and the Student Handbook.
- Accept responsibility for accessing the Student Code of Conduct and the Student Handbook on the district's Web site.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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Student Code of Conduct Acknowledgment

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Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.

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STUDENT CODE OF CONDUCT

Purpose/Preamble

Cumby ISD's Student Code of Conduct is based on the premise that one's education begins with discipline and ends in self-discipline. Basic to this premise is the belief that effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable behavioral patterns and their consequences are outlined, communicated and understood by students, parents, and school personnel. When discord does arise, adherence to this code will assure all parties are treated with courtesy, respect and fairness, yet with firmness that will direct students to conduct themselves in an acceptable manner. The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Cumby ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site, at www.cumbyisd.net. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

Role and Responsibilities of Certified Personnel in Maintaining Acceptable Conduct

1. Administrators have the responsibility to:
 - a. Assure a safe and orderly climate for teaching and learning.
 - b. Enforce the Student Code of Conduct.
 - c. Provide appropriate support for teachers who seek help in discipline management.

Student Code of Conduct

- d. Provide campus in-service related to the code of conduct.
 - e. Communicate with parents when their child becomes a discipline problem.
 - f. Secure a signed statement from parents acknowledging receipt of a copy of the code of conduct and knowledge of the code.
 - g. Report firearm offenses to TEA.
 - h. Schedule hearings within 3 days after a formal teacher removal of a student.
 - i. Provide parents with notice of and an opportunity to participate in a proceeding before the board or board designee when student placement in a disciplinary alternative education program (DAEP) extends beyond the end of the next grading period.
 - j. Provide minimal due process for suspensions and DAEP placements.
 - k. Review the status of a student assigned to the DAEP every 120 days.
2. Make appropriate reports to law enforcement agencies/and or officials.
 3. Teachers and other certified personnel have the responsibility to:
 - a. Be knowledgeable of the code of conduct and sign a statement to that effect.
 - b. Develop, maintain and communicate classroom rules and discipline management procedures.
 - c. Remove from class a student who commits certain offenses.
 - d. Maintain an orderly classroom and atmosphere.
 - e. Establish rapport and an effective working relationship with parents and students.
 - f. Report in writing to the principal or other appropriate administrator any known violation of the Student Code of Conduct.
 - g. Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

Responsibilities of Parents

Parents, which include single parent, legal guardian or person(s) having lawful control of the student, have the responsibility to:

1. Make every effort to provide for the physical needs of the student.
2. Teach the child to pay attention and obey rules.
3. Assure their child attends school regularly and report and explain absences and tardiness to school personnel.
4. Be sure the child is appropriately dressed at school and school- related activities.
5. Support school personnel in the enforcement of discipline imposed in accordance with school policy and the Student Code of Conduct.
6. Participate in meaningful conferences with school personnel regarding the child's progress, behavior, and general welfare.
7. Discuss report cards and school assignments with the child.
8. Bring to the attention of school personnel any problem or condition that may relate to the child's education and well-being.
9. Supply all records required for enrollment.
10. Submit a signed statement that they have received and reviewed the Student Code of Conduct, and that they are knowledgeable of the responsibilities outlined in the code.
11. Control their child.

Contents

This Code is organized into the following sections:

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School District Authority and Jurisdiction

Cumby ISD is responsible for ensuring the following basic rights: (Philosophy)

1. The student's right to a quality, differentiated, individualized education, free from disruption.
2. The educator's right to teach or administer free from verbal intimidation and physical assault.
3. The parent's right to expect quality education and the protection of students, educators, and his/her investment in school property.

These rights may be protected only when there is a school climate free from disruptions that interfere with the learning process. The purpose of this code is to communicate the expectations for responsible student behavior and the consequences of irresponsible and disruptive behavior. It is expected individual students will assume responsibility for self-discipline in accordance with stated expectations. However, when violations of the Student Code of Conduct do occur, discipline will be administered in order to correct disruptive behavior, to protect other students, school employees or property and/or to maintain a positive learning environment. Student discipline shall be administered fairly, equitably and based on a careful assessment of the circumstances of each case.

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
9. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
10. When the student is required to register as a sex offender.

School District Authority and Jurisdiction

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

District administrators conduct routine blanket inspections and searches of lockers and desks.

Reporting Crimes

School administrators shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Revoking Transfers

The district has the right to revoke the transfer of a nonresident student for violating the district's Code of Conduct. The district may revoke the transfer of a nonresident student for failure to adhere to the conditions as set forth in the transfer agreement.

Speaking at Graduation

The district has the right to limit a student's participation in graduation activities for violating the district's Code.

In order to be considered as an eligible student speaker at graduation ceremonies, a student shall not have engaged in any serious misconduct in violation of the district's Code, including an out-of-school suspension, removal to a DAEP, or expulsion during his or her last two semesters.

See DAEP—Restrictions during Placement on page , for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.

General Conduct Violations

- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means. 13
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon;
- An air gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device on school property during the school day.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband. Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyber bullying

General Conduct Violations

and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment.

- Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.

Discipline Management Techniques

- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Cumby Elementary Discipline Policy and Procedures

For MOST students MOST of the time, misbehavior is managed by:

- Re-teaching expectations
- Increasing pre-corrects and reminders
- Teaching routines until the student is fluent in them
- Increasing reinforcement for appropriate behavior

- Every effort is made to contact parents by phone concerning disciplinary actions. If phone contact is not possible, written notice will always be sent home with the student.**
- Sarcasm, ridicule, or embarrassment will not be used when dealing with a student. No reason or excuse will be acceptable for singling out a student in class for public ridicule.**
- All students following regular discipline plans will fall under these guidelines including students in Special Education by ARD action.**
- Violations considered serious in the Student Code of Conduct may warrant assignment of commensurate punishment at any point of the semester and this plan**

may not apply.

Level I: Classroom/Grade Level Plan (Teacher Assigned)

- Each teacher has designed a discipline plan for his/her classroom.
- Grade level teams have developed plans to ensure fairness and consistency within a team.
- Techniques that may be used at this level could be:
 - Verbal Warning
 - Check System (i.e. color changes, demerits)
 - Relocation of student within the classroom
 - Time Out in the classroom
 - Buddy Room- May be used when the student needs to be removed from the classroom for infrequent and/or minor classroom rule offenses including:
 - Disrupting class
 - Refusal to do class work
 - Noncompliance
 - Needing a quiet place to regroup

Each teacher will have a place designated in their classroom for children from their cooperating classroom to come to when they are sent to the Buddy Room.

This spot will be consistent, have a seat and a writing surface, and be accessible in such a way that the entering student does not disrupt the class.

Teachers will keep a supply of pencils and Think Sheets in this spot.

Students are expected to enter the room, begin to work on the Think Sheet, and remain in place silently until the homeroom teacher comes to get them.

Any disruption of the class or other behavior that does not meet this expectation will result in the student being sent back to their homeroom for referral to Office/Focus Room.

- Written or phone contact with a parent

Level II: Detention Assigned (Teacher Assigned)

- Detentions are accumulated for only a six weeks grading period for grades PK-2. The number will return to zero at the beginning of each six weeks period. Detentions for grades 3-6 will accumulate over a semester and will return to zero at the beginning of the next semester.
- Detentions may be issued for misbehavior or any violation of a school rule. The following types of detention are used: recess, lunch, after-school, and Saturday school.
- Students are assigned Think Sheets to fill out and are removed from recess or lunch until the Think Sheets are completed.
- Copy of detention slip is sent home with the student.
- On the 3rd detention within a six weeks/semester period, parents **must** be contacted by teacher and the teaching team **must** conference with the student.
- On the 4th detention the student is referred to the office.

Please Note:

**If a student misses an assigned detention it will result in one additional day of detention being assigned by administrators.

**If the same detention is missed a second time it will result in the student being assigned to Saturday School and referred to the office.

**When ISS is assigned for Late Work, it will not count as part of the Level III Office Referral Process.

Level III: Office Referral (Principal or Designee)

- Student is sent to the office on the 4th detention (and each detention thereafter within a six weeks/semester period), unless a situation warrants an immediate office referral.
- Teacher will send discipline file and related information at time of referral.
- Office referrals only accumulate for one semester. The office referrals will be:
 - o **Step 1:** 1 Day of In School Suspension or Corporal Punishment (parent permission is given prior to the use of corporal punishment)
 - o **Step 2:** 2 days of In School Suspension or Corporal Punishment (parent permission is given prior to the use of corporal punishment)
 - o **Step 3:** Suspension from school (at least one day, but no more than three)
 - o **Step 4:** 3 days of In School Suspension
 - o **Step 5:** 5 days of In School Suspension
(**at this point the student will not be allowed to accumulate four more detentions in a new six weeks. On the next detention (or office referral) the student will go to step 6.)
 - o **Step 6:** Student is assigned to In School Suspension for a **minimum** of 5 days.
 - o **Step 7:** Student is assigned to the Alternative Education Program for a **minimum** of 10 days.

IN SCHOOL SUSPENSION PROCEDURES

- Teachers will be given an ISS assignment sheet when a student is placed in ISS.
- Assignment sheet is to be filled out with specific directions concerning assignments.
- Teacher must send enough work to keep student occupied.
- The assignment sheet will be turned into the office before the beginning of school on the day the student is to report to ISS.
- All work will be returned to the teacher's box and can be graded accordingly.

FOCUS ROOM/OFFICE REFERRALS

A child may be sent to the Focus Room/Office if he/she is nonresponsive to teacher-led interventions or exhibits a major misbehavior. Students will also earn a discipline referral for three classroom incidences of minor misbehavior over the course of a week.

NO STUDENT will be admitted to the Focus Room or Office without proper documentation. The discipline referral form must be filled out **in its entirety** by the referring teacher.

Cumby Junior High & High School Disciplinary Ladder (updated 7/25/2011)

For MOST students MOST of the time, misbehavior is managed by:

- Re-teaching expectations
- Increasing pre-corrects and reminders
- Teaching routines until the student is fluent in them
- Increasing reinforcement for appropriate behavior

- Every effort is made to contact parents by phone concerning disciplinary actions. If phone contact is not possible, written notice will always be sent home with the student.**
- Sarcasm, ridicule, or embarrassment will not be used when dealing with a student. No reason or excuse will be acceptable for singling out a student in class for public ridicule.**
- All students following regular discipline plans will fall under these guidelines including students in Special Education by ARD action.**
- Violations considered serious in the Student Code of Conduct may warrant assignment of commensurate punishment at any point of the semester and this plan may not apply.**

Level I: Classroom/Grade Level Plan (Teacher Assigned)

- Each teacher has designed a discipline plan for his/her classroom.
- Grade level teams have developed plans to ensure fairness and consistency within a team.
- Techniques that may be used at this level could be:
 - o Verbal Warning
 - o Check System (i.e. color changes, demerits)
 - o Relocation of student within the classroom
 - o Time Out in the classroom
 - o Written or phone contact with a parent

Level II: Detention Assigned (Teacher Assigned)

- Detentions may be issued for misbehavior or any violation of a school rule. The following types of detention are used: lunch and after-school.
- Copy of detention slip is sent home with the student.
- On the 3rd detention within a semester period, parents **must** be contacted by teacher and the teaching team **must** conference with the student.

Discipline Management Techniques

On the 4th detention the student is referred to the office.

Please Note:

**If a student misses an assigned detention it will result in one additional day of detention being assigned by administrators.

**If the same detention is missed a second time it will result in the student being referred to the office and assigned to ISS.

**When ISS is assigned for Late Work, it will not count as part of the Level III Office Referral Process.

Level III: Office Referral (Principal or Designee)

Student is sent to the office on the 4th detention violation (and each violation thereafter within a semester period), unless a situation warrants an immediate office referral.

Teacher will send discipline file and related information at time of referral.

Office referrals only accumulate for one semester. The office referrals will be:

- **Step 1:** 1 Day of In School Suspension or Corporal Punishment (parent permission is given prior to the use of corporal punishment)
- **Step 2:** 2 days of In School Suspension or Corporal Punishment (parent permission is given prior to the use of corporal punishment)
- **Step 3:** 3 days of In School Suspension
- **Step 4:** Suspension from school (at least one day, but no more than three)
- **Step 5:** 5 days of In School Suspension
(**at this point the student will not be allowed to accumulate four more detentions in a new six weeks. On the next detention (or office referral) the student will go to step 6.)
- **Step 6:** Student is assigned to In School Suspension for a **minimum** of 5 days.
- **Step 7:** Student is assigned to the Alternative Education Program for a **minimum** of 10 days.

Major disruptions and level 2 offenses will result in the student being referred to the office immediately. The principal or designee will handle each situation according to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

Details of some Cumby ISD Discipline Techniques:

Lunch Detention and After-School Detention

For minor infractions of classroom, school, or District policies and regulations, the teacher and/or Principal may assign students to detention. The teacher or Principal shall inform the

Discipline Management Techniques

student of the conduct that allegedly constitutes the violation and the student shall be given the opportunity to explain his/her version of the incident.

If a teacher keeps a child after the regular school hours as a disciplinary measure or to provide academic assistance, the Principal and the student's parent or guardians must be notified. No student is to be kept after school the same day the incident occurs unless the parent or guardian has been contacted and given consent for the child to remain after the regular school day. Failure to serve an assigned detention will be considered another violation of the Student Code of Conduct and may lead to an escalation of consequences.

In School Suspension

The purpose of ISS is to give a student who is not dangerous to other students but cannot operate in a normal classroom setting the opportunity to continue his/her education in a structured setting.

The ISS program will be under the direct supervision of a campus Principal and staffed with a teacher or full-time paraprofessional. The program will be housed in an area isolated from other students. Students may be assigned to ISS for any length of time, including up to the end of the semester or next semester if they are found to be guilty of serious misconduct during the last six weeks of a semester.

Saturday School

Saturday School is used as a disciplinary measure to provide an alternative for students who need to make up attendance days and for students who have failed to attend After School Detention.

Corporal Punishment

Corporal Punishment may be used under the guidelines of Board Policy. It is permitted in order to preserve an effective educational environment, free from disruption. Corporal punishment shall be reasonable and moderate and may not be administered maliciously. It is limited to spanking or paddling the student and is governed by the following:

1. The student is told of the reason for corporal punishment and is given the chance to reply.
2. Corporal punishment may be administered by the Principal or designee.
3. The instrument to be used shall be approved by the Principal.
4. Corporal punishment should be used in the presence of one other district professional employee and out of view of other students.
5. A record shall be maintained of each incident of corporal punishment, a copy of which is to be sent to the student's parents or guardians as soon as is expedient.

There is currently no provision in Cumby Board Policy that provides for the exemption of anyone from corporal punishment. With consistency as our goal, it would not be appropriate to paddle some students while others are exempt. Parental questions or complaints regarding disciplinary measures taken should be addressed to the campus administration, as is appropriate and in accordance with Board Policy.

Conduct on School Buses (Includes Elementary, Junior High & High Students)

School buses are considered an extension of the classroom, and the students are expected to conduct themselves accordingly. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct.

Students are required to:

1. Remain seated while the bus is moving.
2. Do not distract the driver while he/she is driving.
3. Do not move around the bus without permission.
4. Keep the aisle completely clear.
5. Follow all instructions and cooperate with the driver.

Adults other than drivers, coaches, and sponsors of a field trip are not allowed to board or ride any bus without prior approval from the campus principal. (Parents must provide **written** notice to the school if a student is to ride a different bus on any given day or if the student is to get off the bus at a stop different from his/her regular stop.) If a student is to ride a different bus or get off the bus at a different stop, parents are **REQUIRED** to provide notice to the school in advance.

Conferencing with the bus driver:

If it becomes necessary to talk with the driver:

1. The bus driver is a trained professional who has the safety of ALL students in mind.
2. The bus driver is expected to stay on schedule so he/she will not be able to stay and talk during the route with students on the bus.
3. It is illegal to get on the bus to confront a driver (intentionally or unintentionally).
4. The Transportation Director and Campus Principal can be contacted at (903) 994-2260 to handle any complaints or concerns.

Waiting for the Bus:

1. The Student Code of Conduct does apply at the bus stop.
2. Be at your bus stop before scheduled pick-up time. The driver **WILL NOT** wait or honk.
3. Stand back from the roadway while waiting for the bus.
4. Stand clear of the bus until it comes to a complete stop.
5. When the bus approaches, prepare to load immediately.

Boarding the Bus:

1. Do not push, shove, or crowd in any way.
2. Use the handrail and steps.
3. Go directly to your seat.

Departing the Bus:

1. Stay seated until the bus is completely stopped.
2. Do not push, shove, or crowd in any way.

3. Use the handrail and steps.
4. After exiting the bus, walk away; do not stand next to or walk toward the bus.
5. If any article drops or rolls near or under the bus, do not go after it. Go to the door of the bus and ask the driver for help.

Crossing the Street or Highway:

1. All students are expected to cross the street in **FRONT OF THE BUS**.
2. Students are expected to look at the driver **AND** check both directions before crossing the street.
3. **CAUTION!!!** The student must be alert for vehicles that do not stop when the bus is loading and unloading.

Accidents or Emergencies:

1. Follow the driver's instructions.
2. Stay with the group.
3. Do not do anything to escalate an already tense situation.

BUS RIDER SAFETY POLICY (Includes Elementary, Junior High & High Students)

Safety Violations:

Safety violations result from behavior that could cause injury to the student or contribute to someone being injured. A student moving around on the bus or a student that is seated improperly in a bus seat is more likely to sustain injury should the bus make a sudden stop or be involved in an accident.

1. **FIRST OFFENSE** – Verbal warning by the campus principal.
2. **SECOND OFFENSE** – Verbal warning and up to one hour detention at the discretion of the campus principal.
3. **THIRD OFFENSE** – Verbal warning and up to three hours detention at the discretion of the campus principal.
4. **FOURTH OFFENSE** – Three day suspension of bus riding privileges.
5. **FIFTH OFFENSE** – Five day suspension of bus riding privileges.
6. **SIXTH OFFENSE** – Six week suspension of bus riding privileges.
7. **SEVENTH OFFENSE** – Eighteen week suspension of bus riding privileges.
8. **EIGHTH OFFENSE** – Suspension of bus privileges for remainder of the school year.

Examples of Behaviors that are Considered Safety Violations Include but are not Limited to:

1. Excessive noise (screaming, loud noises)
2. Standing up
3. Turned around in the seat (facing the back of the bus)
4. Putting hands and other objects out the window
5. Crossing at the back of the bus
6. Not keeping aisle clear of legs, feet, and other objects

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7. Playing with emergency exit latches
8. Drinking and/or eating on the bus
9. Littering
10. Pushing or being out of line at the bus stop
11. Moving around on the bus
12. Getting off at the wrong bus stop without written permission

BUS RIDER DISCIPLINE POLICY (Includes Elementary, Junior High & High Students)

Discipline Consequences:

1. **FIRST OFFENSE** – Verbal warning by the campus principal
2. **SECOND OFFENSE** – Three day suspension of bus riding privileges.
3. **THIRD OFFENSE** – Five day suspension of bus riding privileges.
4. **FOURTH OFFENSE** – Six week suspension of bus riding privileges.
5. **FIFTH OFFENSE** – Eighteen week suspension of bus riding privileges.
6. **SIXTH OFFENSE** – Suspension of bus privileges for remainder of the school year.

Examples of behavior which constitute discipline violations are listed below but not limited too. Based on the **severity** of the discipline violation, **immediate loss of bus privileges may result** at the discretion of the campus principal.

1. Vandalism (Student will not be allowed back on the bus until compensation for the damage has been made. \$65.00 for graffiti removal, \$100.00 for cover replacement)
2. Throwing object out of the bus (Student will be responsible for paying for any damage done by object thrown from bus)
3. Assault/Fighting
4. Sexual Harassment
5. Possession of tobacco, drugs, or alcohol
6. Injury to another student
7. Verbal or physical abuse to the bus driver
8. Possession of hazardous materials on the bus (lighters, matches, dangerous liquids or gases)
9. Possession of a weapon (knife, gun, object discerned as a weapon)

Notification

The principal or appropriate administrator shall notify a student's parent by phone or in writing of any violation that may result in an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration

Discipline Management Techniques

office or through Policy Online at the following address:

(<http://www.tasb.org/policy/pol/private/112905/> or the district's Web address at www.cumbyisd.net).

Consequences shall not be deferred pending the outcome of a grievance.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The administrator shall give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Returning Student to Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

Removal from the Regular Educational Setting

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order out-of-school suspension, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the appropriate administrator, but shall not exceed three school days.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Disciplinary Alternative Education Program (DAEP) Placement

The appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.")
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - a. The student receives deferred prosecution (see glossary),

Disciplinary Alternative Education Program (DAEP) Placement

- b. A court or jury finds that the student has engaged in delinquent conduct (see glossary),
or
- c. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Emergencies

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

Process

Students removals to a DAEP shall be made by the **(Campus Principal for the district)**.

Conference

When a student is removed from class for a DAEP offense, the appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Placement Order

After the conference, if the student is placed in the DAEP, the appropriate administrator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

Disciplinary Alternative Education Program (DAEP) Placement

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The campus principal of the district shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year except as provided below.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended placement is in the best interest of the student.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the (superintendent or the board's designee) must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Disciplinary Alternative Education Program (DAEP) Placement

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the (superintendent or the board's designee) in accordance with policy FOC(LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or <http://www.tasb.org/policy/pol/private/112905/> or web address www.cumbyisd@net.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions during Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the superintendent or his designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Disciplinary Alternative Education Program (DAEP) Placement

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

The office of the prosecuting attorney shall notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal during Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the

Disciplinary Alternative Education Program (DAEP) Placement

student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement occurs, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Serious Offenses

This section includes two categories of serious offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Placement and/or Expulsion for Certain Serious Offenses

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

Placement and/or Expulsion for Certain Serious Offenses

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
 - Breach of computer security.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. (See glossary for "under the influence.")

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

Within 300 Feet of School

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student **may** be expelled for engaging in serious offenses or persistent misbehavior (see glossary) that violates the district’s Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

Federal Law

A student **must** be expelled for bringing to school a firearm, as defined by federal law, when the offense occurs on school property or while attending a school-sponsored or school-related activity on or off school property. “Firearm” under federal law includes:

- Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm weapon.
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

A student **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.

- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Emergency

In an emergency, the principal or the principal's designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the superintendent or designee authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

After the due process hearing, if the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the superintendent or designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal during Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
 - a. 65 years of age or older, or
 - b. A disabled person.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

Criminal street gang is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyber bullying is the use of any electronic communication device to engage in bullying or intimidation.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False Alarm or Report occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

Hazing is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Knuckles are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Machine gun is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck,

motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

Reasonable belief is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Terroristic threat is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Tire deflation device is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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